

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-100

March 20, 2001

CENTRAL MAINE POWER COMPANY
Request for Approval of a First Amendment
To Special Rate Contract with Penobscot
Frozen Foods

ORDER APPROVING
CONTRACT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

SUMMARY OF DECISION

By this Order, the Commission approves Central Maine Power Company's (CMP's or the Company's) proposed First Amendment to its Customer Service Agreement (CSA) with Penobscot Frozen Foods Inc. but makes no finding as to its reasonableness.

DISCUSSION AND DECISION

On February 7, 2001, CMP filed with this Commission a proposed First Amendment to its CSA with Penobscot Frozen Foods. Pursuant to Attachment 6 approved by Commission Order dated November 16, 2000 in Docket No. 99-666, contracts with terms of no longer than one year beyond the remaining term of the Alternative Rate Plan that provide revenues sufficiently in excess of the Company's marginal cost floors go into effect automatically 30 days after being filed. However, based on our review of the contract, it appears that it will not result in revenues adequate to meet the criteria set forth in Attachment 6. Therefore, in order to become effective, this contract requires Commission review and approval.

We have reviewed the contract and find that there is no significant risk to CMP's other customers as a result of this Agreement. Therefore, we will allow the CSA to go into effect. However, we do not have adequate information, at this time, to find that the proposed contract Amendment is reasonable. We will revisit this issue, though, if CMP provides information subsequent to issuance of this Order that supports such a finding.

Accordingly, we

ORDER

That the First Amendment to the Customer Service Agreement with Penobscot Frozen Foods, Inc., filed by Central Maine Power Company on February 7, 2001, may become effective as of the date of this Order.

Dated at Augusta, Maine, this 20th day of March, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.